



# City Council Agenda

Council President  
**Henry Perea**

Councilmembers

**Tom Boyajian**  
**Brian Calhoun**  
**Brad Castillo**

**Jerry Duncan**  
**Sal Quintero**  
**Daniel Ronquillo**, Acting President

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

**TUESDAY, AUGUST 21, 2001**

**IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.**

## **9:00 A.M. ROLL CALL**

Invocation by Pastor Andres Barraza of the Cornerstone Spanish Ministry

Pledge of Allegiance to the Flag

Proclamation of "RON PATTERSON DAY" - Councilmember Boyajian

Proclamation of "FULTON MALL ART RESTORATION WEEK" - Acting President Ronquillo

Proclamation of "DAVID BEARHEART DAY" - Mayor Autry and All Councilmembers

Proclamation of "BOB BAIDA DAY" - Mayor Autry and All Councilmembers

**COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.**

**THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.**

Approve minutes of July 24 and 31, 2001

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

### **TIME SCHEDULED HEARINGS AND MATTERS**

**9:00 A.M. RESOLUTION** - Supporting SB 901 that establishes legislative intent to explore utilizing a Multi-Governmental Joint Powers Agreement for the siting and shared use of government buildings in downtown Fresno - (Costa) - Acting President Ronquillo

**Action Taken:**

- a. Direct staff to begin developing a Joint Powers Agreement with representatives of the State Department of General Services, the County of Fresno, Fresno Redevelopment Agency and other interested parties

**Action Taken:**

**9:30 A.M.** Request approval for one-hour free parking in Parking Lot No. 2 in the Parking Maintenance District No. 1 - Councilmember Quintero

**Action Taken:**

**9:45 A.M.** Direct City Attorney to assign staff to assist in research and preparation of item for March 2002 ballot for public vote relating to preserving Eaton Plaza as a park space - Acting President Ronquillo

**Action Taken:**

**10:00 A.M. HEARING** regarding the formation of Community Facilities District No. 5 (Foundry Park) (Continue to Sept. 18, 2001 @ 11:00 a.m.)

**Action Taken:**

**10:30 A.M.** Authorize the execution of amendments to agreements with Kochergen Farms and Sunset Waste Paper, Inc., for green waste transportation and processing services - Dept. of Public Utilities

**Action Taken:**

**11:00 A.M.** Provide direction regarding the request of Sunset Waste for an extension of their contract with the City of Fresno, and authorize staff to negotiate an amendment with Hilton, Farnkopf and Hobson, LLC - Dept. of Public Utilities

**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 P.M. #1

### CONTESTED CONSENT CALENDAR

2:00 P.M. #2

### CLOSED SESSION

**A. CONFERENCE WITH LEGAL COUNSEL - FRIENDS-OF-THE-COURT-PARTICIPATION** - Government Code Section 54954.5, Subdivision (c)

1. **Case Name:** Barden v. City of Sacramento - Amicus Brief

**Action Taken:**

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)(1)

**Significant Exposure of Litigation:**

1. **Case Name:** John and Lupe Flores; dba Yaweh's Best Recycling v. City of Fresno
2. **Case Name:** Long Construction, Inc. v. City of Fresno
3. **Case Name:** State of California v. City of Fresno
4. **Case Name:** San Joaquin Valley Taxpayers Association v. City of Fresno

**Action Taken:**

**C. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** One potential case - case name unspecified. (Disclosure of title would jeopardize ability to conclude existing settlement negotiations to City's advantage)

**Action Taken:**

**D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Clayton Turner v. City of Fresno

**Action Taken:**

**E. CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6

**City Negotiator(s):** Jorge Aguiniga, Andrew T. Souza and Severo Esquivel

**Employee Organization(s):**

1. International Union of Operating Engineers, Stationary Engineers Local 39 (Local 39)
2. International Brotherhood of Electrical Workers Local 100 (IBEW)

**Action Taken:**

2:10 P.M.

Request to revise UGM service area boundaries in Southeast Fresno to have service areas distinctly within Council District 5 - Councilmember Quintero

**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

**5:30 P.M. HEARING** regarding Text Amendment No. TA-00-02 relating to group housing facilities

**Action Taken:**

1. \* **BILL - (*For introduction*)** - Consider an amendment to the text of the Fresno Municipal Code relating to group housing facilities

**Action Taken:**

- a. \* Alternative No. 1 (*By City Council*)

**Action Taken:**

- b. \* Alternative No. 2 (*By Planning and Development Department Director*)

**Action Taken:**

### 1A. **GENERAL CONSENT CALENDAR**

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

1. Approve extension of a Temporary Use Permit (TUP) issued by the City to Runway Catering, to occupy premises in the General Aviation Terminal located in the control tower at Fresno Yosemite International Airport (FYI) - Airports Department

**Action Taken:**

2. \* **RESOLUTION** - 10<sup>th</sup> amendment to AAR No. 2001-200 appropriating \$40,200 for the roofing of the fire station at the Fresno Yosemite International Airport (FYI) (*Requires 5 affirmative votes*) - Purchasing Division

**Action Taken:**

- a. Award a contract for Fresno Yosemite International Airport (FYI), airport rescue & firefighting station, installation of roof system

**Action Taken:**

3. \* **RESOLUTION** - 5<sup>th</sup> amendment to AAR No. 2001-200 appropriating \$21,200 to fund the remodel of the Police Department's Records Unit's public counter (*Requires 5 affirmative votes*) - Police Department

**Action Taken:**

4. Reject bid to construct well site improvements at pump station 307 - Purchasing Division

**Action Taken:**

5. Award a contract for purchase of transit industry fixed-route scheduling, run-cutting and rostering software - Purchasing Division

**Action Taken:**

6. Reject bid for traffic signal upgrade at Tulare and Van Ness Avenues - Purchasing Division

**Action Taken:**

**GENERAL CONSENT CALENDAR CONTINUED**

7.     **RESOLUTION** - Forming an agreement between the City of Fresno Police Department and the State of California Commission on Peace Officer Standards and Training (P.O.S.T.) for the funding of additional driver training and force option training equipment - Police Department  
**Action Taken:**
  
8.     **RESOLUTION** - Authorizing the City of Fresno to enter into an agreement with the 21<sup>st</sup> District Agriculture Association to provide policing services at the 2001 Fresno District Fair - Police Department  
**Action Taken:**
  
9.     **RESOLUTION** - Setting the time and place of September 18, 2001, at 10:15 A.M. for the public hearing to consider formation of Underground Utility District (UUD) to FRE-77 (Peach Avenue between Clay and Lyell Avenues) - Public Works Department/Engineering Division  
**Action Taken:**
  
10.    **RESOLUTION** - Of intention to annex Tract Nos. 4493, 4743, 4961, 4979 and 5006 to the City of Fresno Community Facilities District No. 2, Annexation No. 29 - Public Works Dept/Engineering Div.  
**Action Taken:**
  
11.    Approve a Professional Services Agreement with Omni-Means, Ltd., for civil engineering services to design intersection improvements at Blackstone and Bullard Avenues - Public Works Dept/Capital Mgmt. Division  
**Action Taken:**
  
12.    **RESOLUTION** - Approving the summary vacation of a portion of the restricted access rights along the east side of Blackstone Avenue north of Nees Avenue - Public Works Dept/Engineering Division  
**Action Taken:**
  
13.    Adopt Resolution Of Intention No. 1023-D to vacate N. Harrison Avenue between "H" Street and Belmont Avenue and an alley south of Belmont Avenue between Harrison Avenue and "H" Street and setting the public hearing at 10:30 a.m. on September 18, 2001 - Public Works Dept/Engineering Div.  
**Action Taken:**
  
14.    Approval of acquisition of a street easement from property at 6761 N. Vagedes for improvements to Fruit Avenue - Public Works Department/Engineering Division  
**Action Taken:**
  
15.    **RESOLUTION** - Approving application for block grant funds for the Roberti-Z/Berg-Harris Urban Open Space and Recreation Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 - Parks & Recreation Dept.  
**Action Taken:**
  
16. \* **RESOLUTION** - 11<sup>th</sup> amendment to AAR No. 2001-200 appropriating funding for the Chaffee Zoo Water Infrastructure Project, Lions Skate Board Park, and Holmes Playground Tot Lot (***Requires 5 affirmative votes***) - Parks & Recreation Dept.  
**Action Taken:**

1A. **GENERAL CONSENT CALENDAR CONTINUED**

17. **RESOLUTION** - Authorizing submittal of 2<sup>nd</sup> Cycle Grant Application to the California Integrated Waste Management Board for funding under the Park Playground Accessibility and Recycling Grant Program to refurbish the children's play area at Fink-White Playground- Parks & Recreation Dept.  
**Action Taken:**
18. Ratification of PeopleSoft agreement amendments and approval of amendment for exchange of training and developer kits for training units - Dept. of Admin. Services/Information Services Division  
**Action Taken:**
19. Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the City of Fresno Management Employees Association (CFMEA) - Management Confidential Unit 14 - Labor Relations and Human Resources  
**Action Taken:**
- a. \* **RESOLUTION** - 3<sup>rd</sup> amendment to Salary Resolution No. 2001-199 re-titling the class of Law Office Supervisor to Law Office Manager, and move from a five step salary range to an E3 range  
**Action Taken:**
20. **RESOLUTION** - Authorizing certain finance officers of the City of Fresno to sign City checks and various investment and commercial banking documents, and to provide verbal instruction as required for the prudent financial administration and safekeeping of City funds - Dept. of Admin. Services/Finance Division  
**Action Taken:**
21. Adopt the Special Hazard User Permit Cost Recovery Program  
**Action Taken:**
- a. \* **RESOLUTION** - 386<sup>th</sup> amendment to MFS Resolution No. 80-420 to require annual payment of renewal fees for specified hazardous materials permits  
**Action Taken:**
22. Approve expenditure of \$1,000 of District 5's general fund 15% non-infrastructure to fund the Fresno Junior Handball Club - Councilmember Quintero  
**Action Taken:**
23. ***(For introduction and adoption)*** Approve the appointments of Jeanette Jurkovich and Scott Dow Willey and the reappointments of Scott Vincent, Lisa Schumacher, Wilson Hanna, Kevin Enns-Rempel, and Goldie Lewis to the Historic Preservation Commission - Mayor Autry  
**Action Taken:**

1B. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

2. **PLANNING AND ZONING ADMINISTRATION**

3. **GENERAL ADMINISTRATION**

- A. Report from Public Works Dept. regarding the funding option for Thermal Plastic Paint Program - initiated by Councilmember Calhoun and Council President Perea

**Action Taken:**

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Direct City Attorney to research legality of requiring City employees to provide sworn testimony when responding to Council budget issues questions - Councilmember Castillo

**Action Taken:**

- B. Council appointment to the Health and Welfare Trust - Council President Perea

**Action Taken:**

- C. Request City Manager to direct appropriate staff to meeting with Society for the Prevention of Cruelty to Animals (SPCA). Officials to establish official street name. (Rambo Laine Way) for entrance drive to SPCA facility - Councilmember Quintero

**Action Taken:**

- D. Discussion regarding establishing a policy/criteria for a fair and equitable distribution of the yearly CDBG funds in each Council district - Councilmember Boyajian

**Action Taken:**

- E. Request for reconsideration approving request for conflict of interest waiver requested by the law firm of Sagaser, Franson & Jones, regarding City of Fresno/Scott Ellis Enterprises - Scott Ellis (Re Sugar Pine Trail) - Acting President Ronquillo

**Action Taken:**

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

## SCHEDULED COUNCIL HEARINGS AND MATTERS

- Aug. 28 - 8:30 A.M. JT. HEARING WITH RDA** re: DD&A/Lonzell & Lavera Williams, property @ Fresno and "A" Streets
- Aug. 28 - 10:00 A.M.** Study Session on Housing Programs
- Aug. 28 - 10:20 A.M. HEARING** re: Rezone Appl. No. R-01-021, property located at the northeast corner of W. Herndon and N. Prospect Avenue
- Aug. 28 - 10:30 A.M. HEARING** re: Rezone Appl. No. R-01-022, property located on the north side of E. Shields Avenue between N. College and N. Del Mar Avenues
- Aug. 28 - 10:35 A.M. HEARING** re: Rezone Appl. No. R-01-023, property located on the west side of N. Van Ness Avenue between E. Nevada and E. Divisadero Avenue
- Aug. 28 - 10:45 A.M. HEARING** re: Rezone Appl. No. R-01-026, filed by Kirk Kerkochian
- Aug. 28 - 11:30 A.M. HEARING** re: Rezone Appl. No. R-02-032, filed by Cambridge Homes
- Aug. 28 - 11:45 A.M. HEARING** re: Rezone Appl. No. R-01-011, filed by Centex Homes
- Aug. 28 - 2:30 P.M.** Report by Superintendent of Schools re: F.U.S.D. Truancy Plan - Councilmember Duncan
- Aug. 28 - 3:00 P.M.** COG Study request - Councilmember Duncan
- Aug. 28 - 4:00 P.M. HEARING** re: Resolution supporting AB 911 banning use of cell phone while driving - Councilmember Calhoun
- Sept. 4 - NO MEETING - COUNCIL VACATION**
- Sept 11 - NO MEETING - COUNCIL VACATION**
- Sept. 18 - 10:00 A.M. HEARING** re: Rezone Appl. No. R-01-027, filed by Tutelian Development Partners, located at the southwest corner of W. Nees and N. Blackstone Avenues
- Sept. 18 - 10:15 A.M. HEARING** to consider formation of UUD No. FRE-77 (Peach Ave. betw. Belmont and Butler Avenues)
- Sept. 18 - 10:30 AM#1 HEARING** re: Rezone Appl. No. R-01-025, filed by Ron Miller
- Sept. 18 - 10:30 AM#2 HEARING** re: Vacation of Harrison Avenue between Belmont and "H" Street
- Sept. 18 - 11:00 A.M. CONTINUED HEARING** regarding the formation of Community Facilities District No. 5 (Foundry Park)
- Sept. 25 - 10:00 A.M. HEARING** re: CFD No. 2, Annexation No. 29
- Oct. 2 - 10:00 A.M. HEARING** re: PA. No. A-01-010, Rezone Appl. No. R-01-013, filed by Thanh Cao
- Oct. 2 - 10:15 A.M. HEARING** re: the formation of CFD No. 6
- Oct. 9 - 10:00 A.M. HEARING** re: vacation of C-99 alley, between Tulare & Kern, RI 1024-D
- Oct. 23 - NO MEETING**
- Oct. 30 - 10:00 A.M.** Presentation of Employee Service Awards (*Reception immediately following, 2<sup>nd</sup> floor foyer*)



